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Practitioner's Docket No. U 015043-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____

Inventor(s)

for _____

Title of invention

OR

The PTO did not receive the following
listed Items(s) all the NPLS

In re application of: Toshiyuki MIYABAYASHI

Serial No.: 10/782,747

Group No.:

Filed: February 19, 2004

Examiner.:

For: PROCESS FOR PREPARING MICROENCAPSULATED PIGMENT,
MICROENCAPSULATED PIGMENT, AQUEOUS DISPERSION, AND INK FOR INK JET
RECORDING

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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37 C.F.R. 1.8(a)

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37 C.F.R. 1.10*

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: May 21, 2004

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

WARNING: No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

NOTE: The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

If a fee is required, please charge deposit account 12-0425.

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SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP
26 West 61st Street
New York, N.Y. 10023



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Toshiyuki MIYABAYASHI

Serial No.: 10/782,747

Group No.:

Filed: February 19, 2004

Examiner.:

For: PROCESS FOR PREPARING MICROENCAPSULATED PIGMENT,
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INK JET RECORDING

Attorney Docket No.: U 015043-1

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to the references listed on attached

PTO Form 1449. Copies of the references are submitted herewith.

Respectfully submitted,

CLIFFORD J. MASS
LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

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FORM PTO-1449		U. S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO.	SERIAL NO.
				U 015043-1	10/782,747
 <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use several sheets if necessary)</p>		APPLICANT			
		Toshiyuki MIYABAYASHI			
		FILING DATE		GROUP	
		February 19, 2004			
U.S. PATENT DOCUMENTS					
EXAMINER INITIALS	REFERENCE DESIGNATION	DOCUMENT NUMBER	DATE	NAME	FILING DATE IF APPROPRIATE
	AA				
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FOREIGN PATENT DOCUMENTS					
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO
	AL	03-157464'	7/1991	JP	
	AM	10-110129	4/1998	JP	x
	AN	11-049974	2/1999	JP	x
	AO	07-094634'	4/1995	JP	x
	AP	08-059715 '	3/1996	JP	x
OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)					
	AR	Patent Abstracts of Japan Publication No. 03-157464 dated July 5, 1991			
	AS	Patent Abstracts of Japan Publication No. 10-110129 dated April 28, 1998			
	AT	JPO computer translation of Publication No. 10-110129 dated April 28, 1998			
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

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FOREIGN PATENT DOCUMENTS						
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
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	AL	05-339516	12/1993	JP	x	
	AM	08-302227	11/1996	JP	x	
	AN	08-302228	11/1996	JP	x	
	AO	08-081647	3/1996	JP	x	
	AP	05-320276	12/1993	JP	x	
OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)						
	AR	Patent Abstracts of Japan Publication No. 11-049974 dated February 23, 1999				
	AS	JPO computer translation of 11-049974 dated February 23, 1999				
	AT	Patent Abstracts of Japan Publication No. 07-094634 dated April 7, 1995				
EXAMINER			DATE CONSIDERED			
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FOREIGN PATENT DOCUMENTS					
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION
					YES NO
	AL	08-218015	8/1996	JP	x
	AM	08-295837	11/1996	JP	x
	AN	09-003376	1/1997	JP	x
	AO	08-183920	7/1996	JP	x
	AP	10-046075	2/1998	JP	x
OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)					
	AR	JPO computer translation of Publication No. 07-094634 dated April 7, 1995			
	AS	Patent Abstracts of Japan Publication No. 08-059715 dated March 5, 1996			
	AT	JPO computer translation of Publication No. 08-059715 dated March 5, 1996			
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FOREIGN PATENT DOCUMENTS					
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION
					YES NO
	AL	10-292143	11/1998	JP	x
	AM	11-080633	3/1999	JP	x
	AN	11-349870	12/1999	JP	x
	AO	11-349870	12/1999	JP	x
	AP				
OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)					
	AR	Patent Abstracts of Japan Publication No. 05-339516 dated December 21, 1993			
	AS	JPO computer translation of Publication No. 05-339516 dated December 21, 1993			
	AT	Patent Abstracts of Japan Publication No. 08-302227 dated November 19, 1996			
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	AR	JPO computer translation of Publication No. 08-302227 dated November 19, 1996			
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	AR	Patent Abstracts of Japan Publication No. 08-081647 dated March 26, 1996				
	AS	JPO computer translation of Publication No. 08-081647 dated March 26, 1996				
	AT	Patent Abstracts of Japan Publication No. 05-320276 dated December 3, 1993				
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OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)					
	AR	JPO computer translation of Publication 05-320276 dated December 3, 1993			
	AS	Patent Abstracts of Japan Publication No. 08-218015 dated August 27, 1996			
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	AT	Patent Abstracts of Japan Publication No. 09-003376 dated January 7, 1997				
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	AR	JPO computer translation of Publication No. 09-003376 dated January 7, 1997			
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OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)						
	AR	Patent Abstracts of Japan Publication No. 10-046075 dated February 17, 1998				
	AS	JPO computer translation of Japan Publication No. 10-046075 dated February 17, 1998				
	AT	Patent Abstracts of Japan Publication No. 10-292143 dated November 4, 1998				
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	AR	JPO computer translation of Publication No. 10-292143 dated November 4, 1998			
	AS	Patent Abstracts of Japan Publication No. 11-080633 dated March 26, 1999			
	AT	JPO computer translation of Publication No. 11-080633 dated March 26, 1999			
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	AR	Patent Abstracts of Japan Publication No. 11-349870 dated December 21, 1999			
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		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AL					
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	AN					
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OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)						
	AR	JPO computer translation of Publication NO. 11-349870 dated December 21, 1999				
	AS					
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